

In The United States Court of Federal Claims

No. 5-296T

(Filed: June 12, 2012)

GRAPEVINE IMPORTS, LTD., A TEXAS
LIMITED PARTNERSHIP, T-TEK, INC. A
TEXAS CORPORATION, AS TAX
MATTERS PARTNER,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

ORDER

On April 30, 2012, the Supreme Court of the United States vacated the judgment of the United States Court of Appeals for the Federal Circuit in this case, in light of *United States v. Home Concrete & Supply, LLC*, 132 S. Ct. 1836 (2012). The Federal Circuit's judgment had reversed a judgment of this court in favor of plaintiff. *See Grapevine Imports, Ltd. V. United States*, 636 F.3d 1368 (Fed. Cir. 2011), *rev'g*, 77 Fed. Cl. 505 (2007). On June 11, 2012, the Federal Circuit granted defendant's unopposed motion to dismiss its appeal with prejudice, and mandated that "[t]he case is remanded to the United States Court of Federal Claims for disposition consistent with *Home Concrete*." While it is somewhat difficult to ascertain what this court must do procedurally in response to this mandate, the court observes that its opinion of July 17, 2007, is wholly consistent with the Supreme Court's holding in *Home Concrete*. Accordingly, this court's opinion of July 17, 2007, and the judgment issued thereon, remains in effect.

IT IS SO ORDERED.

s/ Francis M. Allegra
Francis M. Allegra
Judge